UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

BARRY CUMMINGS and HARRY CUMMINGS, Jr.,

Administrator of Estate of Mary Louise

Cummings, Deceased,

CIVIL ACTION

Plaintiffs,

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v. : No. 11-02691

ALLSTATE INSURANCE COMPANY,

:

Defendant.

ORDER

AND NOW, this 27th day of December, 2011, upon consideration of the Motion to Dismiss Plaintiffs' Second Amended Complaint (Doc. No. 13) submitted by Defendant Allstate Insurance Company ("Defendant"), and the Response and Reply thereto, it is hereby **ORDERED** that Defendant's Motion is **GRANTED IN PART** and **DENIED IN PART**. Defendant's Motion to Dismiss is hereby **DENIED**. However, we **GRANT** Defendant's alternative request, and we hereby **ORDER** Plaintiffs Barry Cummings and Harry Cummings, Jr., to **JOIN** David Bonsall to this action.

BY THE COURT

/s/ Robert F. Kelly ROBERT F. KELLY SENIOR JUDGE